



Natural Resources Conservation Service

Tuesday, August 08, 2023

1918 GREENE ST
Adel, IA 50003-1641
Phone: (515) 993-4205
Fax: (855) 208-7473

Brenton Brothers Inc.
PO Box 190
Dallas Center, IA 50063

SUBJECT: Wetland Preliminary Technical Determination

TRACT: 25221
Administrative County: Dallas, Iowa

This is to notify you the Natural Resources Conservation Service (NRCS) has made a certified wetland determination on the tract listed above. This preliminary technical determination (PTD) is made in accordance with the wetland conservation provisions of the Food Security Act of 1985, as amended, and was made in response to the completion of form AD-1026 dated on March 20, 2023.

In order to maintain USDA program eligibility, program participants must not produce an agricultural commodity on wetlands converted after December 23, 1985 and must not convert a wetland after November 28, 1990 for the purpose or to have the effect of making the production of an agricultural commodity possible.

The results of the PTD are shown on the enclosed NRCS-CPA-026-WC "Certified Wetland Determination" form. The determination was conducted in accordance with the National Food Security Act Manual, 1987 US Army Corps of Engineers (USACE) Wetland Delineation Manual, corresponding USACE Regional Supplements, and/or State Offsite Methods for Wetland Identification.

Wetlands are identified through the confirmation of three factors:

Presence of Hydrophytic Vegetation:

Hydrophytic vegetation means plants growing in water or in a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content (7 CFR § 12.31(b)).

Presence of Hydric Soils:

Hydric soil means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation (7 CFR § 12.31(a)).

Presence of Wetland Hydrology:

Wetland hydrology means inundation or saturation by surface or groundwater during a growing season at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation (7 CFR § 12.31(c)).

The 2014 Farm Bill connected producer eligibility for Federal crop insurance premium subsidy to compliance with the wetland conservation provisions. Eligibility for most USDA programs is lost for any wetland conversions that have occurred after December 23, 1985. However, only wetland conversions that occur after February 7, 2014 result in ineligibility for the Federal crop insurance premium subsidy.

If you agree with this PTD, it will become final 30 calendar days after you receive this notification, and no further action is required.

If you do not agree with this PTD, you may request a reconsideration field visit or mediation within thirty days of receipt of this letter. Your request should be made in writing to the above office address and Designated

Conservationist and should state clearly what you are appealing and why you believe the determination is in error. For further information on the appeals process, please see the attached Appeals Information sheet. If no reconsideration field visit or mediation is requested within thirty days of receipt of this letter, this PTD will become a final technical determination (FTD) with further appeal rights as described in the attached Appeals Information sheet.

This certified wetland determination has been conducted for the purpose of implementing the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. This determination may not be valid for identifying the extent of Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should contact the local district office of the U.S. Army Corps of Engineers prior to starting work.

If you are the owner of this tract of land and have a tenant, I urge you to discuss this preliminary determination with your tenant. Likewise, if you are the tenant of this tract of land, you are urged to discuss this letter with your landlord.

If you have any questions, please contact me at (515) 236-0628 or email brent.hassebrock@usda.gov.

Sincerely,

BRENT

HASSEBROCK

Digitally signed by BRENT
HASSEBROCK

Date: 2023.08.08 10:44:25
-05'00'

Brent Hassebrock, Designated Conservationist

Enclosures:

NRCS-CPA-026-WC

Wetland Determination Map

Appeals Information

Cc: NRCS District Conservationist
FSA CED

Appeals Information

This preliminary technical determination (PTD) will become final 30 days after your receipt of this letter, unless you request either of the following options:

1. You may request a reconsideration field visit for NRCS to review the basis for the PTD with you and gather additional information concerning the certified determination. This request must be in writing and addressed to the Designated Conservationist who made this determination.

OR

2. Mediation may be used to assist you and NRCS in trying to reach a mutually agreeable resolution or settlement regarding this PTD. Through mediation, the parties have the opportunity to work together with the assistance of the mediator to improve communications, understand the relevant issues, develop and explore alternatives, and reach a mutually satisfactory resolution. In order to request mediation, the request must be in writing and addressed to the Designated Conservationist who made this determination.

Iowa Mediation Service

1025 Ashworth Road, Suite 504

West Des Moines, IA 50265

(515) 331-8081

If you choose a reconsideration field visit or mediation, a final technical determination (FTD) will be issued at the conclusion of either process. If reconsideration or mediation is not requested, this certified determination becomes an FTD 30 days after your receipt of this letter, at which time you may exercise appeal rights to the Farm Service Agency County Committee or the National Appeals Division.

To appeal an FTD, write to the Farm Service Agency County Committee or the National Appeals Division within 30 days at the appropriate address below.

Dallas FSA County Committee

1918 GREENE ST

Adel, IA 50003-1641

Telephone: (515) 993-4205

Fax: (855) 208-7473

Or

National Appeals Division

Box 68806

Indianapolis, Indiana 46268-0806

Toll Free Phone: (800) 541- 0457

TTY: (800) 791-3222

Fax: (317) 875-9674

A request for any of the above appeal options must be in writing and should state clearly what you are appealing and why you believe the determination is erroneous.

Farm: 3711

Tract: 25221

Geographic County: Dallas

Administrative County: Dallas

Customer: Brenton Brothers Inc.

Wetland Determination



Map Creation Date: 8/8/2023

Location: T79N, R27W, S3

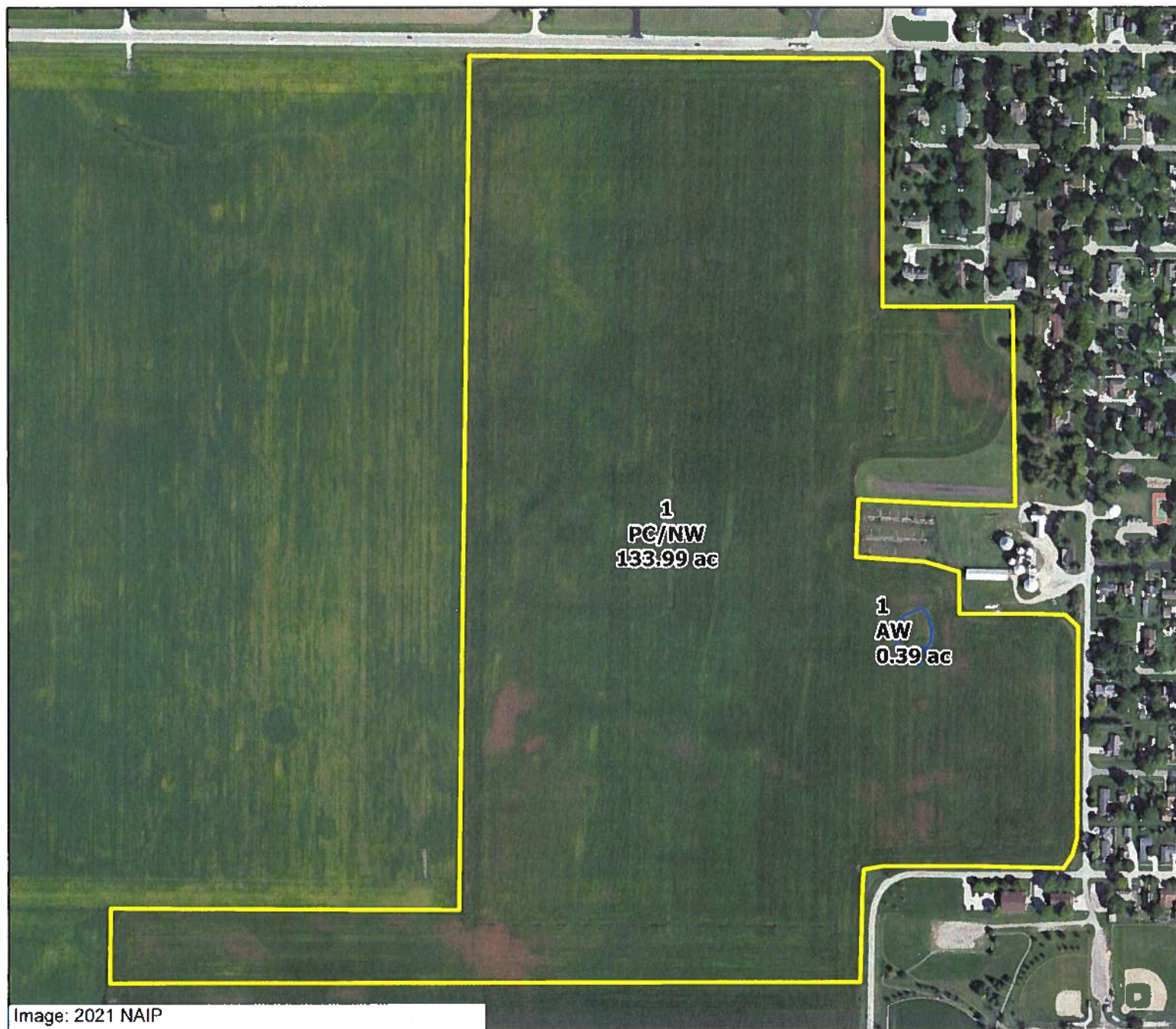


Image: 2021 NAIP

Site_CLU_CWD

Wetland Label

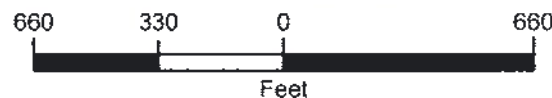
AW

PC/NW

This certified wetland determination has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985, as amended. No determination is made or implied in the unlabeled portions of the map. If land manipulations are planned in unlabeled areas which do not have previous determinations, a new determination should be requested.

N

Scale: 1:6,094



CERTIFIED WETLAND DETERMINATION

1. Name:	Brenton Brothers Inc.	2. Location County:	Dallas
3. Address:	PO Box 190 Dallas Center, IA 50063	4. Admin. County:	Dallas
5. Request Form:	AD-1026	6. Farm Number:	3711
7. Request Date:	03/20/2023	8. Tract Number:	25221

This certified wetland determination identifies areas subject to the wetland conservation provisions of the 1985 Food Security Act, as amended. See the attached Definitions of Wetland Labels and Uses for additional information and currently authorized activities under the Act.

Field	Label	Occurrence Year (CW+YEAR)	Acreage
1	AW		0.39
1	PC/NW		133.99

9. Remarks:

I certify that the above determinations are sufficient for the purpose of making a determination of eligibility for program benefits and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

10. Signature Designated Conservationist	Date
BRENT HASSEBROCK Digitally signed by BRENT HASSEBROCK Date: 2023.08.08 10:56:01 -05'00'	

DEFINITIONS OF WETLAND LABELS AND USES

Label/Name	Criteria for Determination	Authorized Uses	Authorized Maintenance
AW (Artificial Wetland)	An area that was formerly a non-wetland area under natural conditions but now exhibits wetland characteristics because of the influence of human activities. These areas are exempt from the Food Security Act of 1985, as amended. This label includes irrigation induced wetlands.	No restrictions.	No restrictions.
CPD (Corps of Engineers (USACE) Permit with Mitigation)	A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act by USACE.	Per USACE permit conditions.	Per USACE permit conditions
CW (Converted Wetland)	A wetland converted between December 23, 1985, and November 28, 1990.	Planting of agricultural commodities or additional manipulation will cause ineligibility.	Maintenance allowed to scope and effect of original manipulation.
CW (Wetland converted by county, drainage district, or similar entity)	Wetlands converted after December 23, 1985, by a county, drainage district, or similar entity and beyond a person's direct control, but not considered third party (TP).	Production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits.	Maintenance allowed to original scope and effect of system before conversion.
CW+Year (Converted Wetland)	A wetland converted after November 28, 1990. "Year" indicates the year the wetland was converted, and ineligibility begins.	USDA program participant and their affiliated persons are ineligible for benefits (regardless of whether ag commodity planting occurred) until the wetland is restored or mitigated. Planting of agricultural commodities is also prohibited.	Not applicable
CWTE (Converted Wetland Technical Error)	An area converted after December 23, 1985, where the conversion or production of an agricultural commodity was a consequence of an incorrect NRCS determination.	May be used for production of agricultural commodities or forage provided no manipulation is done beyond what existed on the date of the CWTE determination.	May be maintained to the extent that existed on date of the CWTE determination.
FWP (Farmed Wetland Pasture and Hayland)	Manipulated and used for pasture or hay before December 23, 1985 and in most years, is inundated for at least 7 consecutive days or saturated for 14 days during the growing season.	Area may be farmed and maintained as existed before December 23, 1985, as long as area is not abandoned (cessation for five consecutive years of management or maintenance operations related to the use of a farmed wetland).	May be maintained to the extent that existed before December 23, 1985.

Label/Name	Criteria for Determination	Authorized Uses	Authorized Maintenance
FW (Farmed Wetland)	A wetland that was manipulated and planted before December 23, 1985, but still meets inundation or saturation criteria, noted below. If the area is not a pothole, playa, or pocosin, it is inundated for at least 15 consecutive days during the growing season or 10 percent of the growing season, whichever is less, in most years. If the area is a pothole, playa, or pocosin: it is inundated for at least 7 consecutive days or saturated for at least 14 consecutive days during the growing season in most years.	Area may be farmed and maintained as existed before December 23, 1985, as long as area is not abandoned (cessation for five consecutive years of management or maintenance operations related to the use of a farmed wetland).	May be maintained to the extent that existed before December 23, 1985.
MIW (Mitigation Exemption)	A converted wetland, farmed wetland or farmed wetland pasture of which the acreage, functions and values lost have been compensated for through an NRCS-approved mitigation plan.	As stipulated in the mitigation plan/agreement.	As stipulated in the mitigation plan/agreement.
MW (Minimal Effect Exemption)	A converted wetland that is exempt from the wetland conservation provisions of the Food Security Act of 1985, as amended, based on an NRCS determination that the conversion has or will have a minimal effect on the wetlands in the area.	As stipulated in the minimal effect agreement, if applicable.	Only those activities stipulated in the minimal effect agreement, if applicable.
MWM (Mitigation Site)	The site of wetland restoration, enhancement, or creation serving as mitigation for a converted wetland receiving a mitigation exemption.	As stipulated in the mitigation plan/agreement.	As stipulated in the mitigation plan/agreement.
NW (Nonwetland)	An area that does not contain a wetland.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
PC (Prior Converted Cropland)	A wetland converted to cropland before December 23, 1985, and as of December 23, 1985, was capable of being cropped and did not meet farmed wetland inundation or saturation criteria.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
TP (Third Party Exemption)	A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device.	May be used for production of agricultural commodities or forage.	Further drainage improvement will cause ineligibility.
W (Wetland)	An area that meets the criteria for hydric soils, hydrophytic vegetation, and wetland hydrology. Site typically has not been manipulated by altering hydrology and/or removing woody vegetation, including stumps. These areas include FW and FWP that have been abandoned.	May be farmed under natural conditions without drainage or removal of woody vegetation.	Not applicable, as typically wetlands (W) are not manipulated. See NRCS for information if a W is used as a drainage outlet for another wetland.
WX (Wetlands that have been manipulated)	A wetland manipulated after December 23, 1985, but the manipulation was not for the purpose of making production possible and agricultural commodity crop production was not made possible.	Would cause ineligibility if production was later made possible.	No restrictions as long as production not made possible including on an adjacent wetland.

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

WC-1A049-F3711-T25221

This form is available electronically.

(See Page 2 for Privacy Act and Paperwork Reduction Act Statements)

AD-1026

(10-30-14)

U.S. DEPARTMENT OF AGRICULTURE

FarmServiceAgency

HIGHLY ERODIBLE LAND CONSERVATION (HELC) AND
WETLAND CONSERVATION (WC) CERTIFICATION

Read attached AD-1026 Appendix before completing form.

PART A - BASIC INFORMATION

1. Name of Producer BRENTON BROTHERS	2. Tax Identification Number (Last 4 digits) 5118	3. Crop Year 2023
---	--	----------------------

4. Names of affiliated persons with farming interests. Enter "None," if applicable.
NONE

Affiliated persons with farming interests must also file an AD-1026. See Item 7 in the Appendix for a definition of an affiliated person.

5. Check one of these boxes if the statement applies; otherwise continue to Part B.

A. ☐ The producer in Part A does not have interest in land devoted to agriculture. Examples include bee keepers who place their hives on another person's land, producers of crops grown in greenhouses, and producers of aquaculture AND these producers do not own/lease any agricultural land themselves. **Note:** Do not check this box if the producer shares in a crop.

B. ☐ The producer in Part A meets all three of the following:

- does not participate in any USDA program that is subject to HELC and WC compliance except Federal Crop Insurance;
- only has interest in land devoted to agriculture which is exclusively used for perennial crops, except sugarcane; and
- has not converted a wetland after February 7, 2014.

Perennial crops include, but are not limited to, tree fruit, tree nuts, grapes, olives, native pasture and perennial forage. A producer that produces alfalfa should contact the Natural Resources Conservation Service at the nearest USDA Service Center to determine whether such production qualifies as production of a perennial crop.

Note: If either box is checked, and the producer in Part A does not participate in Farm Service Agency (FSA) or Natural Resources Conservation Service (NRCS) programs, the full tax identification number of the producer must be provided, but establishment of detailed farm records with FSA is not required. Go to Part D and sign and date.

PART B - HELC/WC COMPLIANCE QUESTIONS

Indicate YES or NO to each question. <i>If you are unsure of whether a HEL determination, wetland determination, or NRCS evaluation has been completed, contact your local USDA Service Center.</i>	YES	NO
6. During the crop year entered in Part A or the term of a requested USDA loan, did or will the producer in Part A plant or produce an agricultural commodity (including sugarcane) on land for which an HEL determination has not been made?		✓
7. Has anyone performed (since December 23, 1985), or will anyone perform any activities to:		
A. Create new drainage systems, conduct land leveling, filling, dredging, land clearing, or excavation that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____	✓	
B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____		✓
C. Maintain an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____ Note: Maintenance is the repair, rehabilitation, or replacement of the capacity of existing drainage systems to allow for the continued use of wetlands currently in agricultural production and the continued management of other areas as they were used before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs.		✓
Note: If "YES" is checked for Item 7A or 7B, then Part C must be completed to authorize NRCS to make an HELC/WC and/or certified wetland determination on the identified land. If "YES" is checked for Item 7C, NRCS does not have to conduct a certified wetland determination.		
8. Check one or both boxes, if applicable; otherwise, continue to Part C or D.		
A. <input type="checkbox"/> Check this box only if the producer in Part A has FCIC reinsured crop insurance and filing this form represents the <u>first time</u> the producer in Part A, including any affiliated person, has been subject to HELC and WC provisions.		
B. <input type="checkbox"/> Check this box if either of the following applies to the producer and crop year entered in Part A:		
• Is a tenant on a farm that is/will not be in compliance with HELC and WC provisions because the landlord refuses to allow compliance, but all other farms not associated with that landlord are in compliance. (AD-1026B, Tenant Exemption Request, must be completed).		
• Is a landlord of a farm that is/will not be in compliance with HELC and WC provisions because of a violation by the tenant on that farm, but all other farms not associated with that tenant are in compliance. (AD-1026C, Landlord or Landowner Exemption Request, must be completed).		

PART C - ADDITIONAL INFORMATION

9. If "YES" was checked in Item 6 or 7, provide the following information for the land to which the answer applies:

A. Farm and/or tract/field number: F#3711 T#25221
If unknown, contact the Farm Service Agency at the nearest USDA Service Center.

B. Activity: DRAINAGE SYSTEM

C. Current land use (specify crops): ROW CROPS

D. County: DALLAS



PART D - CERTIFICATION OF COMPLIANCE

I have received and read the AD-1026 Appendix and understand and agree to the terms and conditions therein on all land in which I (or the producer in Part A if different) and any affiliated person have or will have an interest. I understand that eligibility for certain USDA program benefits is contingent upon this certification of compliance with HELC and WC provisions and I am responsible for any non-compliance. I understand and agree that this certification of compliance is considered continuous and will remain in effect unless revoked or a violation is determined. I further understand and agree that:

- all applicable payments must be refunded if a determination of ineligibility is made for a violation of HELC or WC provisions.
- NRCS may verify whether a HELC violation or WC has occurred.
- a revised Form AD-1026 must be filed if there are any operation changes or activities that may affect compliance with the HELC and WC provisions. I understand that failure to revise Form AD-1026 for such changes may result in ineligibility for certain USDA program benefits or other consequences.
- affiliated persons are also subject to compliance with HELC and WC provisions and their failure to comply or file Form AD-1026 will result in loss of eligibility for applicable benefits to any individuals or entities with whom they are considered affiliated.

Producer's Certification:

I hereby certify that the information on this form is true and correct to the best of my knowledge.

10A. Producer's Signature (By) 	10B. Title/Relationship (If Signing in Representative Capacity) Pres	10C. Date (MM-DD-YYYY) 3/16/23
FOR FSA USE ONLY (for referral to NRCS) Sign and date if NRCS determination is needed.	11A. Signature of FSA Representative 	11B. Date (MM-DD-YYYY) 3/16/2023

IMPORTANT: If you are unsure about the applicability of HELC and WC provisions to your land, contact your local USDA Service Center for details concerning the location of any highly erodible land or wetland and any restrictions applying to your land according to NRCS determinations before planting an agricultural commodity or performing any drainage or manipulation. Failure to certify and properly revise your compliance certification when applicable may: (1) affect your eligibility for USDA program benefits, including whether you qualify for reinstatement of benefits through the Good Faith process; and (2) result in other consequences.

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 12, the Food Security Act of 1985 (Pub. L. 99-198), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to certify compliance with HELC and WC provisions and to determine producer eligibility to participate in and receive benefits under programs administered by USDA agencies. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated) and USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of producer ineligibility to participate in and receive benefits under programs administered by USDA agencies.

This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113-79, Title II, Subtitle G, Funding and Administration). The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM AD-1026 TO YOUR COUNTY FARM SERVICE AGENCY (FSA) OFFICE.**

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited basis will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotope, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. USDA is an equal opportunity provider and employer.